

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**WAVERLY M. RICHARDSON, JR.,**

Plaintiff,

v.

Civil Action No. **3:13CV436**

**WILLIAM MUSE, et al.,**

Defendants.

**MEMORANDUM OPINION**

On October 2, 2013, the Court conditionally docketed Plaintiff's action. Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on December 30, 2013, the Court directed Plaintiff to pay an initial partial filing fee of \$22.86 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1). Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee.<sup>1</sup> Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate order shall issue.

Date: 2/14/14  
Richmond, Virginia

<p>/s/ <u>JAG</u> John A. Gibney, Jr. United States District Judge</p>
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<sup>1</sup> Waverly wrote a letter to the Court stating that the Court had granted him *in forma pauperis* status in another action, Civil Action No. 3:13cv159. (ECF No. 6.) Waverly's status in another civil action has no relevance in the instant action. Waverly has failed to aver that he cannot pay the filing for this action.